

IN THE MATTER OF THE
THE APPLICATION OF
JAMES DILWORTH, ET UX
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE SOUTH-
EAST CORNER GILBAR ROAD AND
JUNIPER ROAD
(10921 JUNIPER ROAD)
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 92-335-SPH
* * * *

O P I N I O N

This matter comes before this Board as an appeal from the decision of the Zoning Commissioner denying the nonconforming use of Appellant's property (1.79 acres) as the site of a service garage, contractor's equipment storage yard, commercial vehicle storage yard, storage, maintenance and repair of dump trucks and snow plows. This case was heard this day in its entirety.

Counsel for the Appellants, Mr. and Mrs. James Dilworth, contended that the continuous use of trucks and the maintenance of vehicles and equipment on the 77-acre Dilworth farm over the years justified the continuation of this nonconforming use in an R.C. 5 zone. Protestants in this case asserted that the subject property of James Dilworth, known as 10921 Juniper Road, is a commercial activity in an R.C. 5 zone not compatible with the surrounding area.

James Dilworth reviewed for the Board his life-long residence on his parent's farm from the early 1930s, describing the various farming activities of their "truck farm," and the alternative uses and repair of vehicles and equipment necessary for a farm operation. Appellant testified that 1.79 acres of the farm, the subject site of this case, was deeded to him and his wife in 1955,

Case No. 92-335-SPH James Dilworth, et ux

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at a time when other family members also received deeded parcels. Testimony and exhibits in the record of this case give indication that his deeded 1.79-acre parcel of the farm area was a vacant field until the 1960s when Appellant constructed a house on this site. In 1963, over three-fourths of the farm (59 acres) was deeded to the State of Maryland for the expansion of the Gunpowder State Park, reducing the total Dilworth properties to 17 acres. On the site of the original farm house and various out-buildings (7 acres), Appellant testified of his on-going vehicle repair and maintenance activities until the 1970s, when these repairs were moved to the rear of the subject site where he had constructed a two-bay garage.

Testifying to his continuing utilization and storage of trucks and heavy equipment, Appellant explained his state contract in 1962 for snow removal and the storing of the plow on his property until 1985. In 1962 Mr. Dilworth also purchased his first dump truck for contract hauling for Harry T. Campbell and today continues contract hauling for Genstar (Campbell). Appellant stated that he has always had two licensed dump trucks and in 1972 purchased a 20-ton low-boy trailer to haul equipment for other contractors.

Mr. Dilworth concluded his testimony by contending that he will limit his business to one ten-wheel dump truck, to be kept at the garage on his property.

Testifying for the Protestants in this matter, Mrs. Margaret Ginger reviewed her observations of the use of the subject 1.79 acres immediately across Juniper Road from her place of residence

Case No. 92-335-SPH James Dilworth, et ux

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since 1958. Mrs. Ginger contended that the property was not used for equipment and truck storage until 1965, and did not recall any farm produce or grazing of animals on the location. Not until Mr. Dilworth left the employment of Glenn L. Martin did he enter the hauling business as recalled by Mrs. Ginger. She never considered him a farmer.

Mr. Robert Vocelka, a neighbor across from the subject site since 1984, expressed concern for the narrow width of Juniper Road and the traffic hazard of large dump trucks transiting what amounts to a one-way road. He further remarked that since March of 1991 he has not seen any trucks on the subject property.

Protestants contend that the garaging and storage of trucks and equipment has been discontinued for more than a year, and, therefore, as specified in Section 104, Baltimore County Zoning Regulations (BCZR), any qualification for nonconforming use classification is terminated. In the Motion to Dismiss, the Board makes note that the genesis of this case from the hearing in the Circuit Court through the Zoning Commissioner's deliberations, and a series of postponements to the date of this Hearing before the Board of Appeals --all have contributed to the Appellant's discontinuance of his business operation at the subject site for more than a year, and should not be a factor in determining the merits of a nonconforming use of the 1.79-acre parcel.

It is abundantly clear to the Board that the Dilworth family resided and operated a truck farm of 77 acres by family members or tenants for many years. It is equally clear that the farm

Case No. 92-335-SPH James Dilworth, et ux

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operation became very limited as the farm was reduced in acreage, and, in particular, James Dilworth established a truck contracting operation from his inherited 1.79-acre parcel of the original farm. Whereas the agricultural aspects of the family farm disappeared, the continuous repair and maintenance of vehicles continued and expanded to heavy commercial trucks, but at a new location from the original site. The family repair of equipment, prior to 1945 and the zoning regulation law, was not conducted on the 1.79-acre site, but elsewhere in a barn on the 77-acre farm. The current use of the subject site cannot, therefore, be considered as a continuation of a farm repair activity as it did not happen there prior to 1945. Testimony from both Appellant and Protestants at this hearing acknowledges that the 1.79-acre parcel was used for raising crops or the grazing of animals, and only since 1965 was it the location for the repair, maintenance and storage of vehicles and equipment.

As specified in Section 104, there must not be a change in the use of a subject property for it to maintain its nonconforming use. The change of the 1.79-acre open field of a farm to a site for repair and storage of trucks today is a different use. It, therefore, terminates the continued aspect of any nonconforming use this parcel may have had as a part of the 77-acre farm as it existed prior to 1945.

Therefore, based upon the regulations that limit the granting of a nonconforming use, and the testimony heard in this matter, the Petition is denied.

Case No. 92-335-SPH James Dilworth, et ux

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O R D E R

IT IS THEREFORE this 18th day of February, 1993 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve the use of the subject property as a nonconforming use as a service garage, contractor's equipment storage, commercial vehicle storage, storage, maintenance and repair of dump trucks and snow plows pursuant to Section 104 of the Baltimore County Zoning Regulations be and is hereby DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Jr.
William T. Hackett, Jr., Chairman

Judson H. Lipowicz
Judson H. Lipowicz

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

IN RE: PETITION FOR SPECIAL HEARING
5K/Corner Gilbar Road and
Juniper Road
(10921 Juniper Road)
11th Election District
6th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-335-SPH

James Dilworth, et ux
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing wherein the Petitioners request approval of the subject property as a nonconforming use as a service garage, contractors' equipment storage yard, commercial vehicle storage yard, storage, maintenance and repair of dump trucks and snow removal equipment or plows, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

The Petitioners, James R. and Marie M. Dilworth, appeared, testified and were represented by Michael P. Tanczyn, Esquire. Also appearing on behalf of the Petition was Susan Dilworth, Petitioners' daughter. Numerous individuals appeared in opposition to the relief requested. They included Dorothy Foos, who represents the Greater Kingsville Community Association; Robert Vocelka, who resides across from the subject property; and Margaret Ginger. The Protestants were represented by Charlotte W. Pine, Esquire.

Testimony indicated that the subject property, known as 10921 Juniper Road, consists of 1.79 acres, more or less, zoned R.C. 5, and is improved with a one-story frame residence, two car garage, storage shed, and truck parking and storage area as more particularly described on the plat submitted to accompany this Petition, marked Petitioner's Exhibit 1.

Said property is located adjacent to Juniper Road, near the intersections of Juniper and Milardo Drive and Juniper and Gilbar Road.

The relevant facts as they bear on the issue of the alleged nonconforming use are not in dispute. The subject site is part of a larger tract which has been owned by the Dilworth family for many years. Originally, the larger tract contained approximately 77 acres. This tract was originally used for farming purposes, including the planting of crops and the maintenance of livestock. Further, a portion of the original tract was heavily wooded. In or about 1962, the State of Maryland, under its authority through eminent domain, condemned 59 acres of the tract for inclusion in Gunpowder State Park. Subsequently the remaining portions of the tract were subdivided and transferred to members of the family.

Mr. Dilworth currently operates his business from the subject 1.79 acre parcel. Although it is difficult to define the precise nature of his business, it appears to be a combination of uses. Specifically, Mr. Dilworth maintains two dump trucks, which he utilizes pursuant to a contract to haul for the Genstar Company. He also maintains a trailer for hauling of construction and contractor's equipment. Lastly, under a long-existing agreement with the State of Maryland, he clears snow from area roads during the winter. In argument, the Petitioner noted that the original farming operation on the tract was a self-supporting operation. That is, in addition to the agricultural activities, the Dilworth family maintained their own equipment and often repaired not only their own vehicles, but neighbors' equipment as well. Thus, the Petitioner argues that although the current activity is not agricultural in character, it is sufficiently similar to the prior activity as to create a continuing nonconforming use.

For their part, the Protestants object to what they perceive as being a commercial activity on this site. They described the Petitioners' business and believe it is not compatible with the surrounding locale.

Although the Protestants' arguments are well-founded, they are not germane to the issue before me. As indicated, the case comes before me as a Petition for Special Hearing, seeking legalization of a nonconforming use as provided in Section 104 of the B.C.Z.R. In essence, the regulations define a nonconforming use as a use that does not conform to a use regulation for the zone in which it is located; however, is permissible by virtue of the fact that it was in place prior to the adoption of the prohibiting regulation. Therefore, the use is grandfathered. Thus, the sole issue presented is not as to whether the use is now compatible with the surrounding locale, but whether the use, as identified, existed prior to the adoption of the zoning regulations in Baltimore County in 1945 and whether the same has continued uninterruptedly to the present.

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKenny v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

Special Zoning Hearing Case No. 92-335-SPH
Tuesday, April 7, 1992 at 2:30 pm -111 W. Chesapeake Avenue, Room 106

We are opposed to commercial activity in any residential area in Kingsville and in particular to the non-conforming use of the property on Juniper Road as a service garage, contractors' equipment storage yard, commercial vehicle storage, maintenance and repair of dump trucks and snow removal equipment or plows.


Name	Address	Phone #
Larry Hubbard	7605 Mt Vista Rd Mt Vista Rd Bradshaw 2102	592-8704
John Baker	7613 Mt. Vista Rd. 21087	592-6467
Glenn Baker	7613 Mt. Vista Rd 21087	592-4647
Shirley Baker	7605 Mt Vista Rd Bradshaw 2102	592-6467
Mr & Mrs Jerry W Gunn	1100 Rachel Rd Upper Falls Md 21156	542 3244
Mr & Mrs Jerry Gunn	1100 Rachel Rd. Upper Falls Md 21156	592 2323
Stanley R Zolotas	1100 Rachel Rd Broomfield MD	592-8880
W/C and W/W Kollen Bruck	7612 7612 Mt Vista Rd Kingsville 41	592 2123
W/C and W/W New	7444 Mt Vista Rd Kingsville Md	592-9257
Karen Anne Theobald	7445 Mt Vista Rd Kingsville MD	542 2625

92-335 5474
Futuraria
Michael T. 12-25-00
James R. Delworth
Marie M. Delworth
James R. Delworth

PROTESTANT(S) SIGN-IN SHEET

[illegible]

Baltimore County Government
Office of Law



400 Washington Avenue
Towson, MD 21204

887-4120
Fax 296-0931

September 6, 1991

The Honorable John H. Garmer
District Court of Towson
111 Allegheny Avenue
Towson, Maryland 21204

Re: Haines v. James R. Dilworth
and Marie Melva Dilworth
Case No. 1442-91 SP/T

Dear Judge Garner:

The above-captioned case came on for hearing on September 4, 1991. The Defendants were charged with several violations of the Baltimore County Zoning Regulations.

By agreement of the parties, and with the approval of the Court, the case was postponed for approximately 120 days, subject to the following conditions:

1. Within 120 days, all unlicensed and/or inoperative motor vehicles are to be removed from the Defendants' property;
2. within 120 days, all miscellaneous automobile parts are to be removed from the Defendants' property;
3. Within 120 days, Defendants shall cease all activities which constitute operation of a service garage;
4. Only one commercial vehicle may be stored on the property, and it shall be stored in a garage;
5. Defendants shall, within 30 days after the date of hearing, make application to the Zoning Commissioner for the establishment of a nonconforming use on the property;
6. Within 120 days and thereafter, Defendants shall obey all Baltimore County Zoning Regulations.

It was also made clear to the Defendants that, in the event the above conditions are not met, Baltimore County may move to set the matter back on the docket before this Court.

Re: Petition for Special Hearing
SE/Corner Juniper and Gilbar Roads (10921 Juniper Road)
11th Election District, 6th Councilmanic District
James Dilworth, et ux - Petitioners
Case Number 92-335-SPH

WE, THE UNDERSIGNED residents at the addresses shown, by our signatures show our support of the Petition of James Dilworth and Marie Dilworth for special hearing for approval of their use of the property as a nonconforming use for a service garage/contractors' equipment storage yard/commercial vehicle storage yard/storage, maintenance and repair of dump trucks and snow removal equipment or plows, pursuant to Section 104 of the Baltimore County Zoning Regulations as requested by the testimony before the Zoning Commissioner to the uses required by the ordinance in that hearing.

Signature W. J. J. J. J. Street Address 6609 Mount Vista Road
City/State/Zip Code Kingsville, TX 78363

Signature John J. Brown Street Address 1812 Empire Pl
City/State/Zip Code Kingsville MD 21087

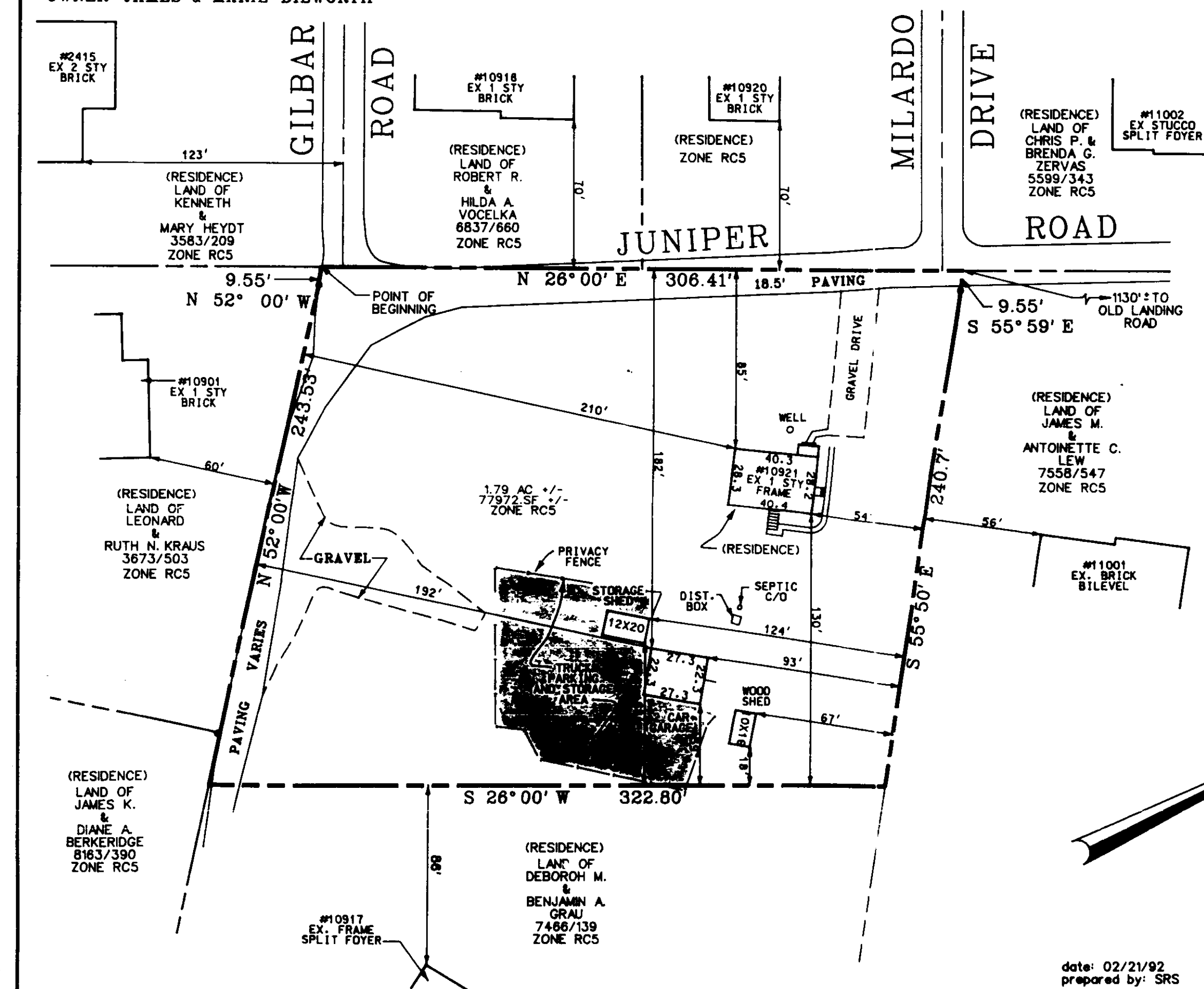
Signature Nicholas J. Repetti Street Address 7428 N. 20th Dr.
City/State/Zip Code KANSAS CITY MO 64117

Signature James Patterson 11001 JUN-222 PO
Street Address
B. Jackson Union, Kingsville, Mo 210
City/State/Zip Code

Signature Deborah M. Y. Street Address 1097 Jasper Rd
City/State/Zip Code Kingstall, Md 21837

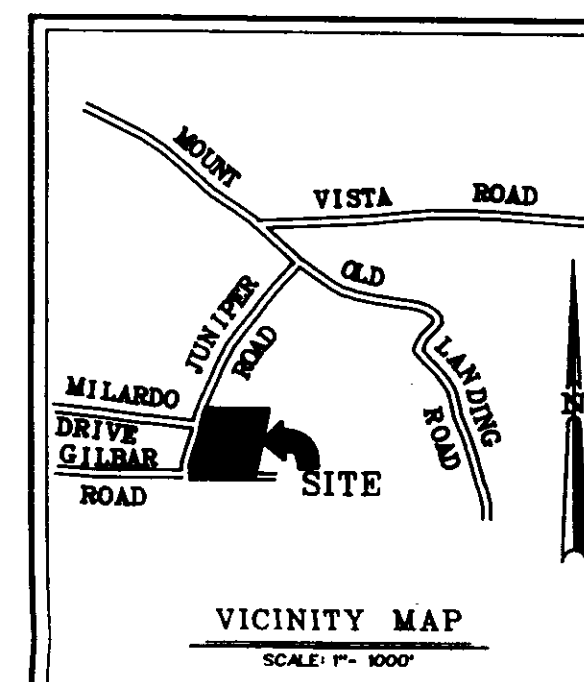
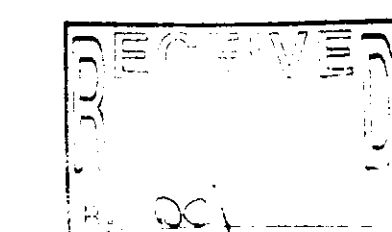
Signature Francis M. Dillworth
 Street Address 10907 Juniper Rd.
Kingville Md 21087
 City/State/Zip Code

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing
PROPERTY ADDRESS: 10921 JUNIPER ROAD
OWNER: JAMES & MARIE DILWORTH



date: 02/21/92
prepared by: SRS

REVISED PLANS
92-335-SPH



LOCATION INFORMATION

Councilmanic District: 6

Election District: 11

1" = 200' scale map: NE

Zoning: RC5

Lot size: 1.79 7

604 Page 604

SE

WA

10. *Journal of the American Medical Association*, 2000; 283: 2689-2694.

Chesapeake Bay Critical A

Prior Zoning Hearings:

— 200 —

reviewed by: ITEM #:

Reviewed by	Item

[illegible]

100412000079

This Deed, Made this 19th day of March
in the year one thousand nine hundred and sixty-three, by and between
James M. Dilworth and Marie C. Dilworth, his wife
of Baltimore County in the State of Maryland, of the first part, and
State of Maryland, to the use of Department of Forests and Parks
of the second part.

Witnesseth, that in consideration of the sum of One Dollar (\$1.00) and other good
and valuable considerations, the receipt whereof is hereby acknowledged
the said James M. Dilworth and Marie C. Dilworth, his wife
do grant and convey unto the said State of Maryland, to the use of Department
of Forests and Parks, its successors and

hereunto assigns, in fee simple, all that tract of the ground, situate, lying and being in
Baltimore County, Maryland, aforesaid, and described as follows, that is to say:—

Beginning for the same at a point at the end of the 2nd or north 8 3/4
degrees west 28 perch line of the second parcel of land which by deed dated
March 3, 1939 and recorded among the Land Records of Baltimore County in
Liber CMB, Jr. 1059, folio 45 was conveyed by William W. Smith and wife to
James M. Dilworth and wife, running thence and binding reversely on the
2nd, 1st and 9th lines of the aforesaid 2nd parcel, as now surveyed, south
87 degrees 52 minutes 30 seconds east 479.91 feet, south 86 degrees 07
minutes 30 seconds east 320.51 feet, south 84 degrees 22 minutes 30 seconds
east 115.86 feet to the northwest corner of the William E. Venzke property,
running thence on the boundary between James M. Dilworth and William E.
Venzke and binding reversely on the 8th, 7th and 6th lines of the land
40 seconds west 404.31 feet, south 12 degrees 27 minutes 20 seconds west
461.84 feet, south 36 degrees 27 minutes 20 seconds west 540.73 feet to
the southwest corner of the said Venzke property and to intersect the 14th
or south 59 degrees 45 minutes 47 seconds east 2889.14 feet line of the land
land which by deed dated December 30, 1946 and recorded among the Land
Records of Baltimore County in Liber JWB 1507, folio 505, was conveyed
by Ethel C. Haxall, et al to Walter W. Powers and wife, at the distance
of 404.25 feet from the beginning of said line, running thence and binding
reversely on a part of said 14th line in the last mentioned deed and
Dilworth, as now surveyed, north 59 degrees 54 minutes 27 seconds west
404.25 feet to the end of the 10th or south 57 1/2 degrees east 10 perch
line of the 1st parcel of land, in the aforementioned deed Smith to Dilworth,
running thence and binding reversely on the 10th and 9th lines of the
aforesaid 1st parcel and running on the boundary line between James M.
Dilworth and Edward C. Carrington property, as now surveyed, north 59
degrees 54 minutes 27 seconds west 165.00 feet, south 68 degrees 54 minutes
30 seconds west 1202.83 feet to the end of the 7th or north 76 degrees
east 64.88 perch line of the land which by deed dated June 18, 1940 and
recorded among the Land Records of Baltimore County in Liber CMB, Jr. 1112,
folio 144, was conveyed by Annie A. Snyder, et al, to Andrew J. Boschert
and wife, running thence and binding on 8th, 9th, 10th and 11th lines of

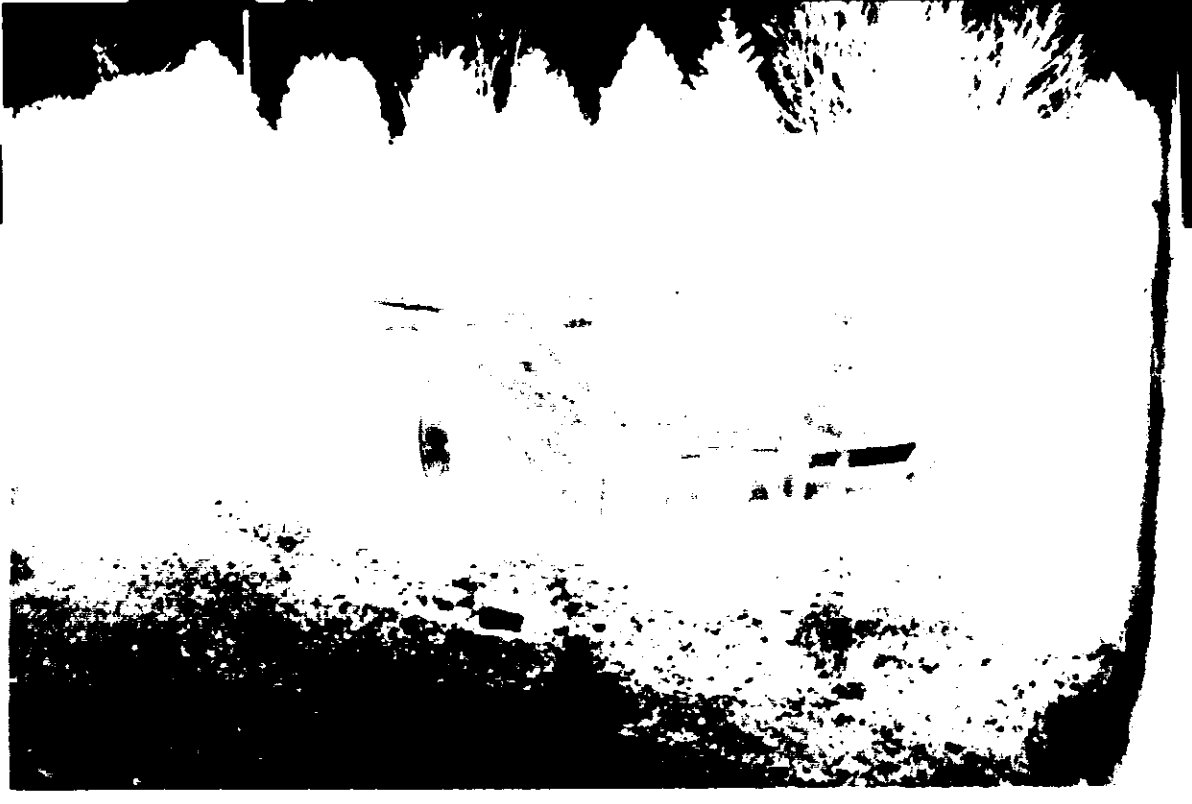
Approximately 1940 showing one of the two draft horses ("Dolly")
hitched to a plow on the site with the Petitioner's sister, who
was then 4:



Pet 9 "A"



Pet 9 F



CERTIFICATE OF TITLE TO A MOTOR VEHICLE

TITLE NUMBER
J 968740
SERIES J

DATE ISSUED
MAY 23 1962

MAKE BODY SERIAL NO. CH. WT. OR FEE
FORD TRK. N-52 F7-J2HM-28817 2500 25000 C-H

JAMES REMINGTON DILWORTH
KINGSVILLE BA.CO.WD.

J-968740

PAID
1/23/62

DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles of the State of Maryland, hereby certifies,
pursuant to the provisions of Section 28, Article 66 1/2, of the Annotated Code of Maryland,
that an application has been made under said Section for a certificate of title of a motor
vehicle described above:

LIEN IN FAVOR OF AMOUNT KIND DATE
PENN. MORTG. CO. \$711.36 C.S. 3-22-62

I, the undersigned, being duly sworn, do hereby certify that the above-described motor vehicle is the property of the person named above, and that the same is duly registered in this Department of Motor Vehicles, and that the same is duly licensed for the use of the State of Maryland, and that the same is duly insured against liability for damages to third persons.

Witness, my hand and the seal of this Department the day and the year set opposite the name of the applicant in the foregoing certificate.

JAMES DILWORTH, ET UX
#92-335-SPH

Protestants' Exhibits 1 A, B and C
2A and 2B
4 A, B and C

PHOTOGRAPHS

CERTIFICATE OF TITLE TO A MOTOR VEHICLE

TITLE NUMBER
J 968740
SERIES J

DATE ISSUED
MAY 23 1962

MAKE BODY SERIAL NO. CH. WT. OR FEE
FORD TRK. N-52 F7-J2HM-28817 2500 25000 C-H

JAMES REMINGTON DILWORTH
KINGSVILLE BA.CO.WD.

J-968740

PAID
1/23/62

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Witness, my hand and the seal of this Department the day and the year set opposite the name of the applicant in the foregoing certificate.

JAMES DILWORTH, ET UX
#92-335-SPH

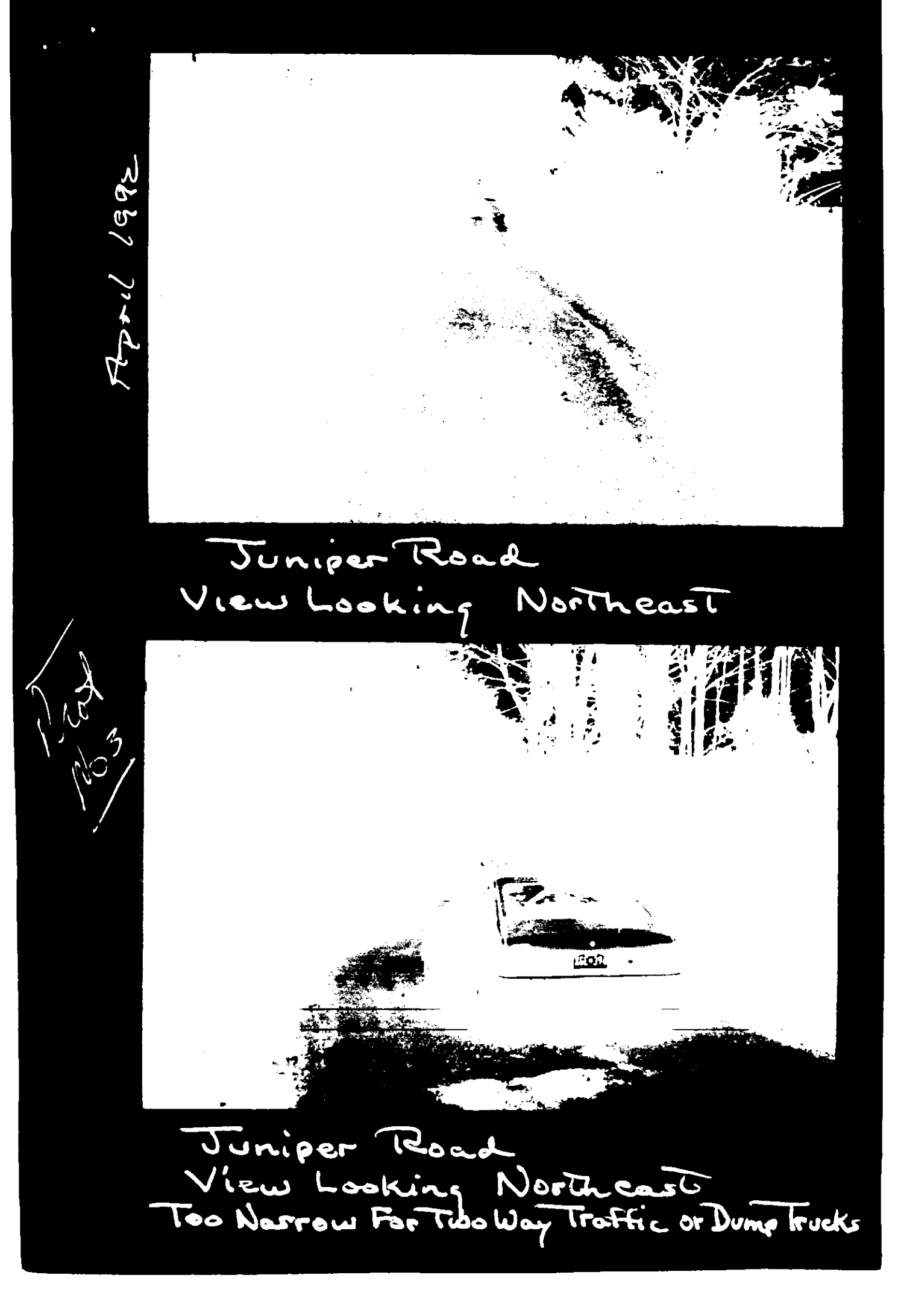
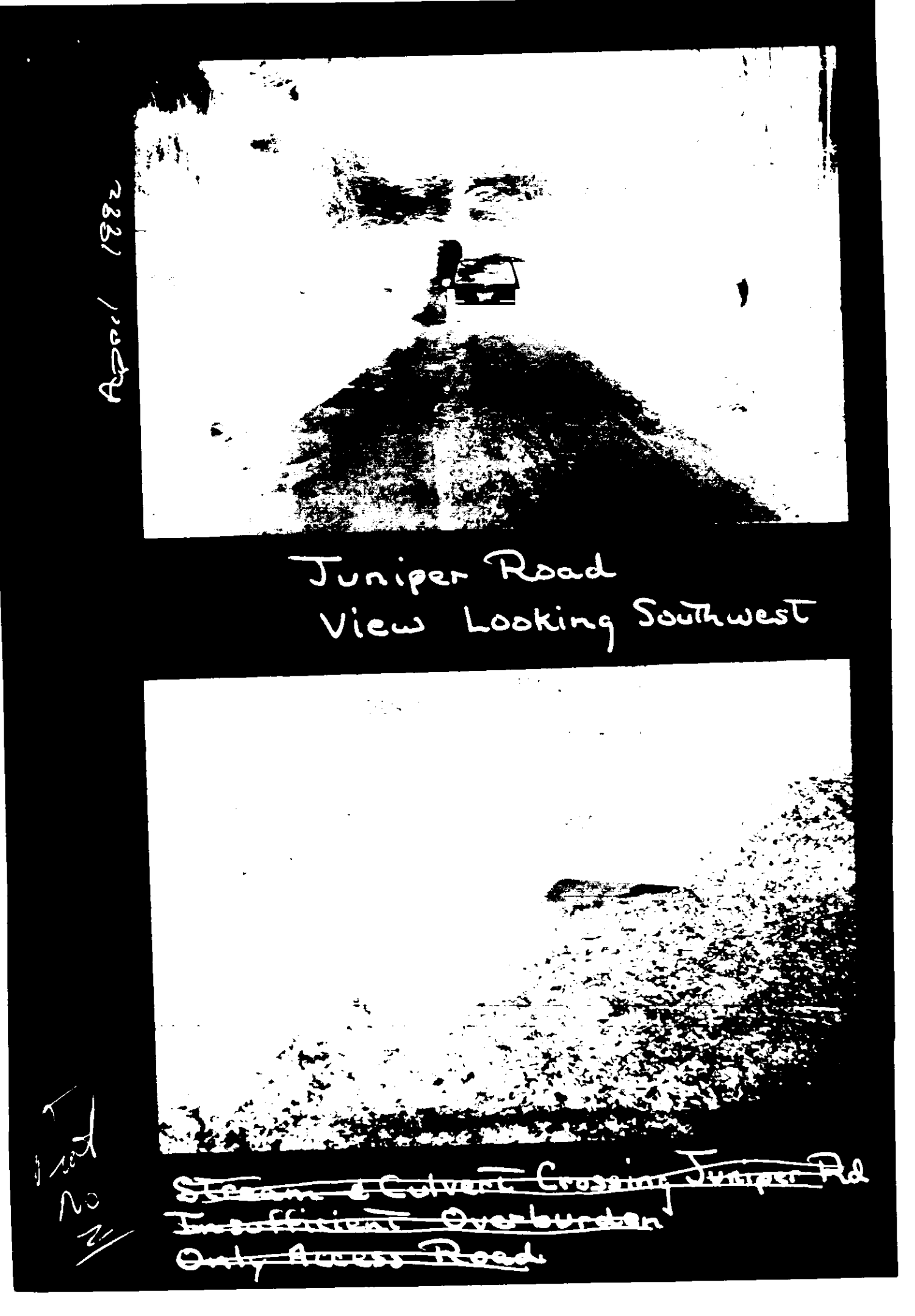
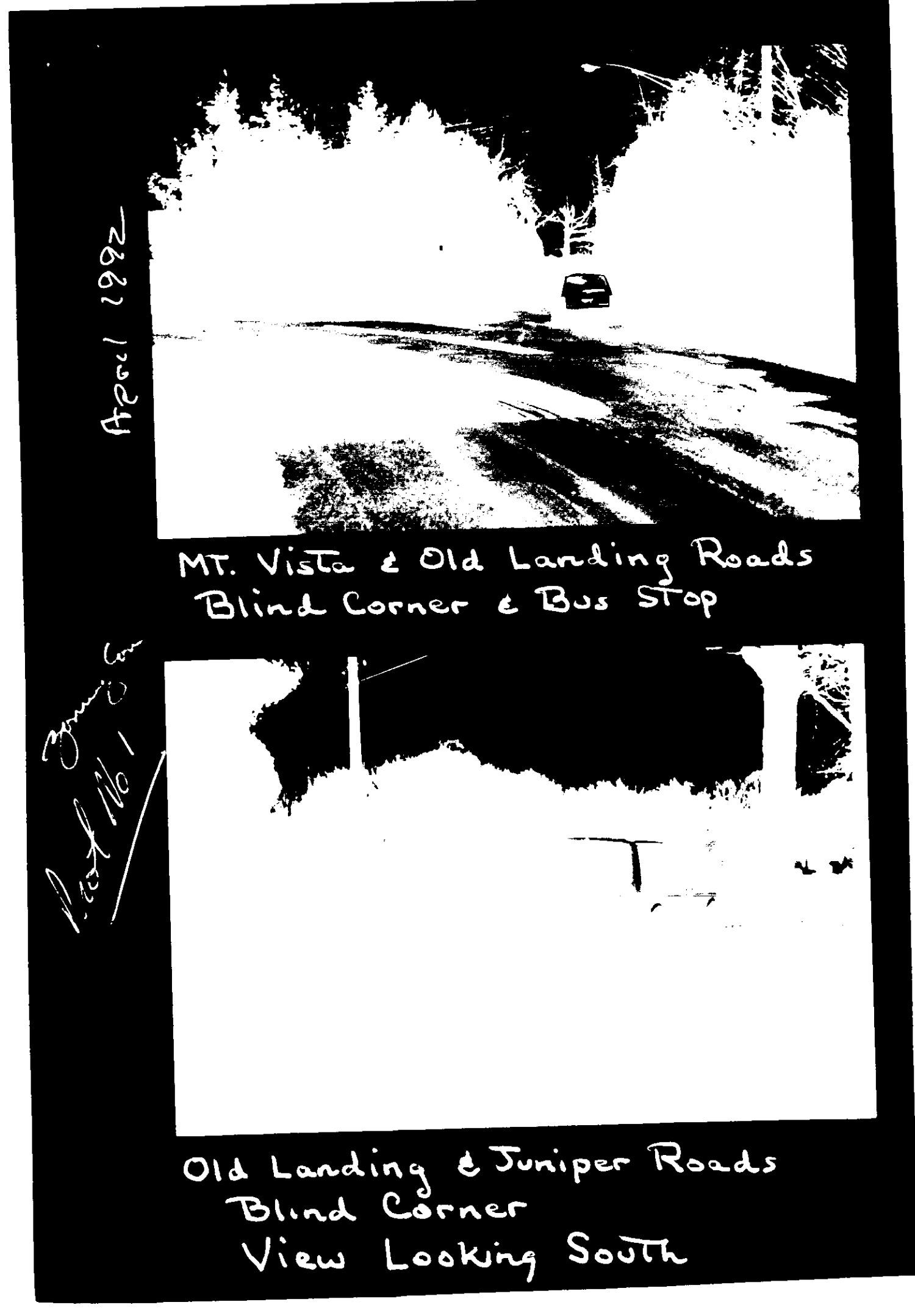
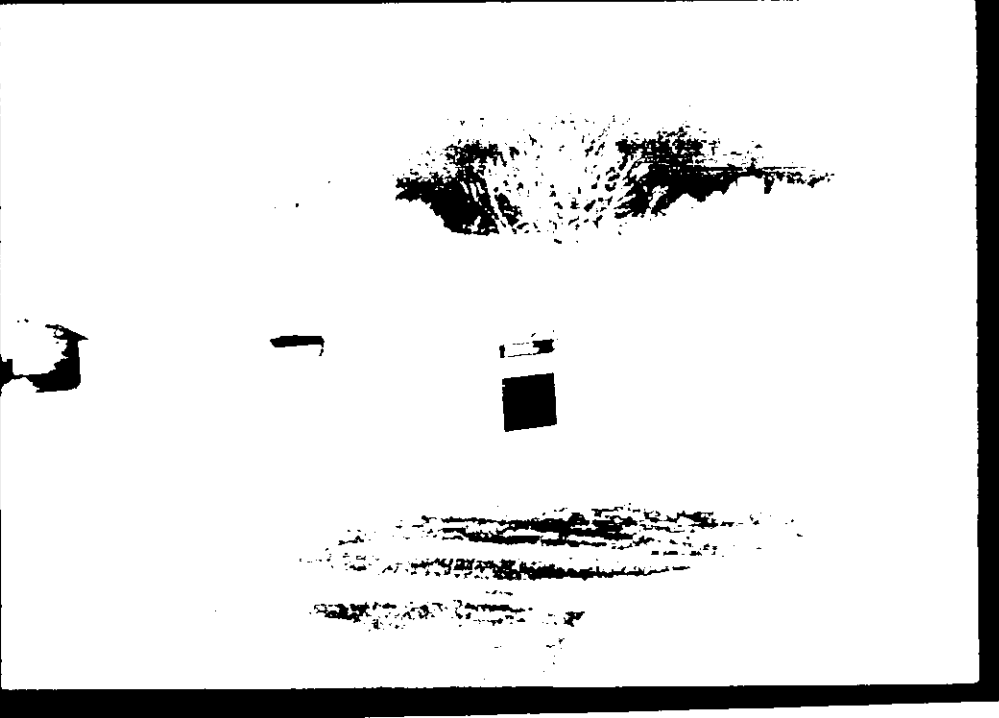
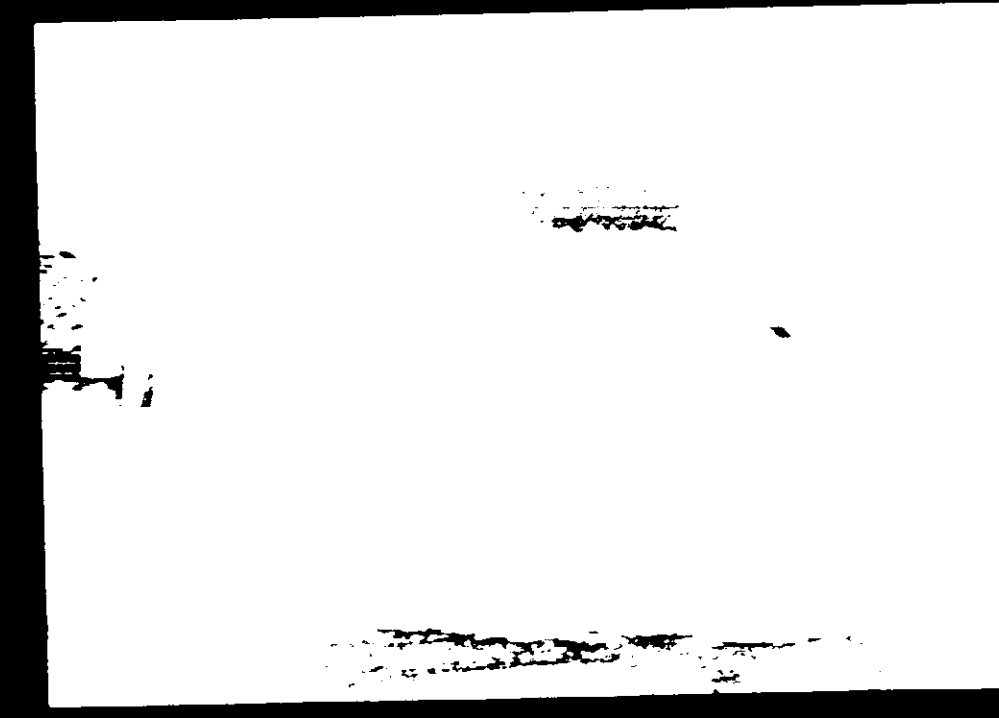
Protestants' Exhibits 1 A, B and C
2A and 2B
4 A, B and C

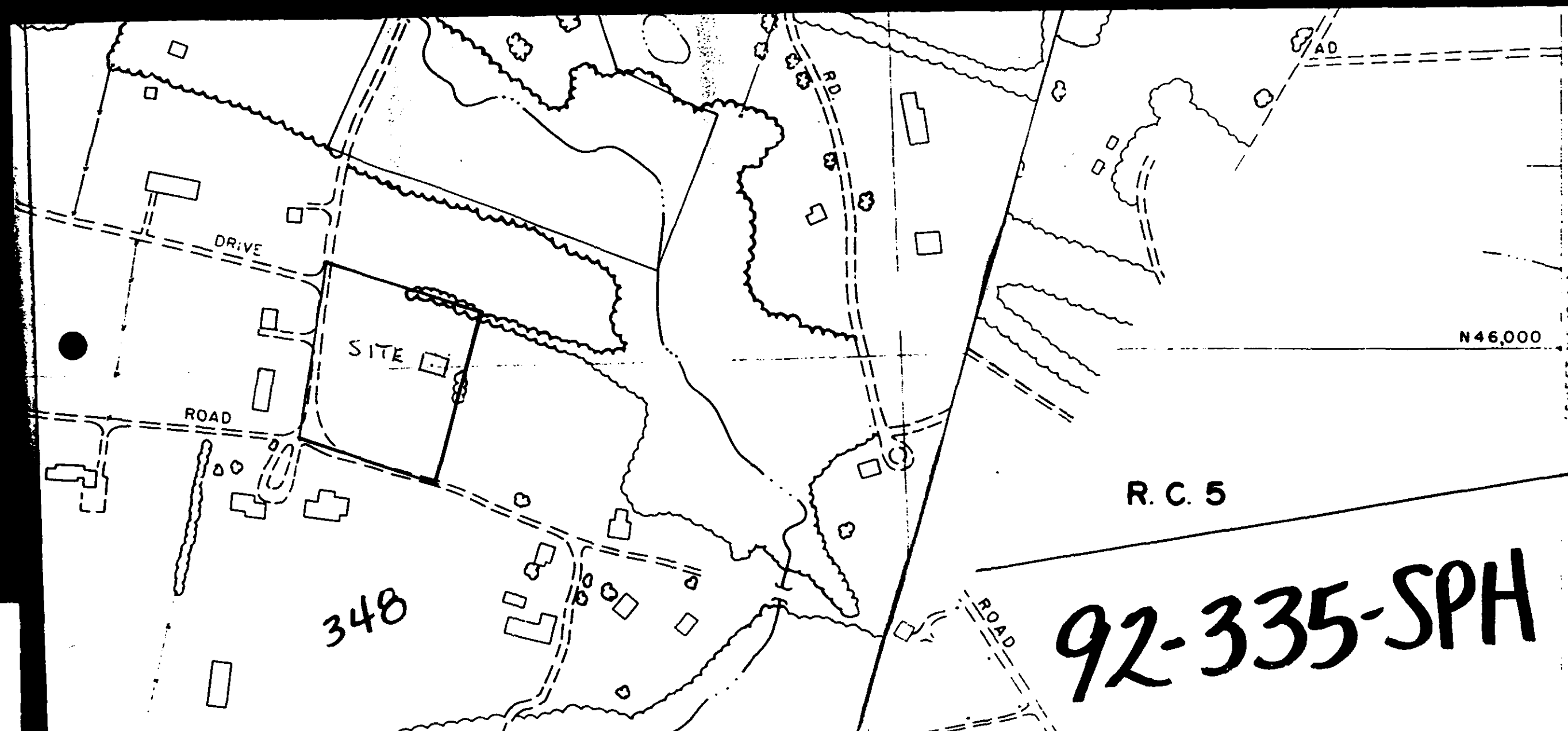
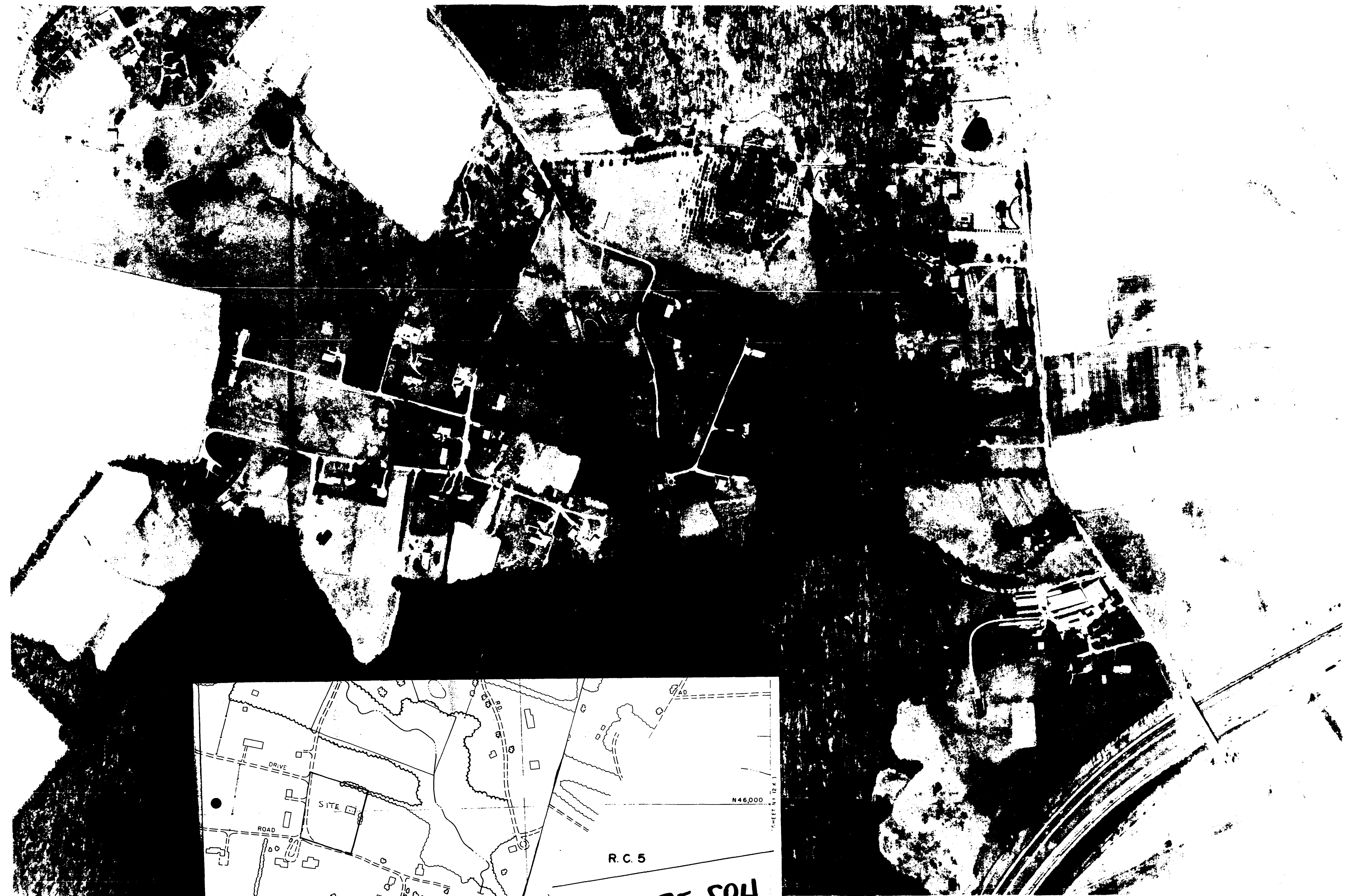
PHOTOGRAPHS

PETITIONERS' PROPERTY FROM DIFFERENT SIDES



Pet No 11





PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

COMPREHENSIVE ZONING MAP
Baltimore County, Maryland
1988

[Signature]
J. E. Carroll

BALTIMORE
OFFICE OF PLANNING
OFFICIAL

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
NORTHWEST OF
GUNPOWDER

SHEET
N. E.
12 - J

92-335-SPH

CITY
ZONING
MAP

Part 3

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
NORTHWEST OF
GUNPOWDER

SHEET
N. E.
12 - J

and the alleged nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use?

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind?

(c) Does the current use have a substantially different effect upon the neighborhood?

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use?

McKervey v. Baltimore County, Md., Supra.

Although it is clear that the Dilworth family has resided in this locale and conducted its business within this property for many years, the Petitioners' argument that a legitimate nonconforming use exists faces two strong challenges. First, it is again to be noted that the subject property is but a small piece of the original tract. Further, testimony elicited at the hearing indicates that the subject 1.79-acre parcel was used for the raising of crops for many years. Thus, the Dilworth family's truck repair and vehicle maintenance activities carried on during the farming operation did not occur on this particular site. Clearly, they occurred elsewhere on the 77-acre tract. That is, when looking only within the four corners of the subject property, it is clear that the activity which now goes on within the subject 1.79 acre parcel did not occur there prior to 1945.

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Second, the nature of the activity currently taking place on the subject 1.79-acre parcel is different from the principal activity which occurred on the larger 77-acre parcel before the State's condemnation proceedings. Clearly, at one time the entire tract was a working farm. A farm is defined in Section 101 of the B.C.Z.R. as a "tract of land of more than three acres primarily devoted to agriculture, including, but not limited to, the raising of crops, dairy, forestry, livestock and poultry." Additionally, horse breeding, training and stabling are recognized as farm uses. No matter how one defines the current activities, the present use cannot in any way be considered a "farm". Even though the Dilworth family maintained and repaired vehicles while operating the farm, those repair and service efforts were incidental to that use. Inasmuch as the subject 1.79-acre parcel is no longer used for farming purposes, the Petitioners' claim that those incidental uses previously associated with the farming operation now form the basis for a nonconforming use is tenuous.

As has been recognized by the Court of Appeals of Maryland, nonconforming uses are inherently incompatible with the permitted uses in the subject zone and are to be discouraged. See e.g. *Boyce v. Sembly*, 75 Md. 43, 314 A2d 137 (1975); *Green v. Garrett*, 192 Md. 52, 66 A2d 412 (1949). Further, Baltimore County's nonconforming use regulations found within Section 104 of the B.C.Z.R. limit the expansion and continuation of uses which are not permissible either by right or special exception. Thus, based upon these regulations, the disfavor which nonconforming uses are viewed at law, and the facts presented herein, it is clear that the subject Petition must be denied.

- 5 -

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons stated above, the relief requested in the Petition for Special Hearing must be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of May, 1992 that the Petition for Special Hearing to approve the use of the subject property as a nonconforming use as a service garage, contractors' equipment storage yard, commercial vehicle storage yard, storage, maintenance and repair of dump trucks and snow removal equipment or plows, pursuant to Section 104 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 5/15/92
By [Signature]

- 6 -

Baltimore County, Maryland
Department of Planning and Zoning
100 Washington Avenue
Towson, Maryland 21204

May 15, 1992

(410) 331-1391

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
38/Corner Juniper and Gilbar Roads
(10921 Juniper Road)
11th Election District - 6th Councilmanic District
James Dilworth, et ux - Petitioners
Case No. 92-335-SPH

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Charlotte W. Pine, Esquire
607 Baltimore Avenue, Towson, Md. 21204

Ms. Dorothy Foos, Greater Kingsville Community Association
6403 Lewis Road, Baldwin, Md. 21013

Ms. Margaret Gingham
7407 Gilbar Road, Kingsville, Md. 21084

Mr. & Mrs. Robert R. Vocelka
10918 Juniper Road, Kingsville, Md. 21084

People's Counsel: file

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a nonconforming use as defined in the Baltimore County Zoning Regulations of this property for its previous use as a service garage, contractors' equipment storage yard, commercial vehicle storage yard, storage, maintenance and repair of dump trucks and snow removal equipment or plows, and/or the present Zoning Regulations pertaining and applicable to this property and for additional reasons to be presented at the hearing of this matter.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee(s):
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
MICHAEL P. TANCZYN, ESQ.
(Type or Print Name)
Signature
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 296-8823

Legal Owner(s):
JAMES DILWORTH
(Type or Print Name)
Signature
MARIE DILWORTH
(Type or Print Name)
Signature
10921 Juniper Road
Address
Phone No.
Kingsville, Maryland 21087
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDER RECEIVED FOR FILING

Date 5/15/92

By [Signature]

No REVIEW



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE
REVIEWED BY: DATE

Frederick Ward Associates, Inc.
Engineers - Architects - Surveyors

ZONING DESCRIPTION FOR 10921 JUNIPER ROAD

Beginning at a point along the southerly side of Gilbar Road where it intersects Juniper Road which both have variable width paving and no known right-of-way. Thence along Juniper Road, N26°00'E 306.41 ft, thence leaving said road S55°50'E 9.55 ft, S55°50'E 240.7 ft, S26°00'W 322.80 ft, N52°00'W 243.53 ft, N52°00'W 9.55 ft to the point of beginning. Being that tract of land conveyed unto James R. & Marie M. Dilworth by a deed recorded in Baltimore County Liber 2974, folio 207. Containing 1.79 acres of land more or less. Also known as 10921 Juniper Road and located in the 11th Election District.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 11th
Posted for: [Signature]
Petitioner: James R. Dilworth
Location of property: 10921 Juniper Road
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 11th
Posted for: Appeal
Petitioner: James R. Dilworth, et ux
Location of property: 10921 Juniper Rd.
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 11th
Posted for: [Signature]
Petitioner: [Signature]
Location of property: [Signature]
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/19/92.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER
S. Zeke Orlov
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein at Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 at 2:30 p.m.

Case Number: 92-335-SPH
SEC Gilbar and Juniper Roads
10921 Juniper Road
11th Election District
Petitioner(s): James and Marie Dilworth

Hearing Date: Tuesday, April 7, 1992 at 2:30 p.m.

Special Hearing: to approve a non-conforming use of the property for its previous use as a service garage, contractors' equipment storage yard, commercial vehicle storage yard, storage, maintenance and repair of dump trucks and snow removal equipment or plows.

LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
NJ/3213 March 18

CERTIFICATE OF PUBLICATION

TOWSON, MD. 3/11/1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 3/11/92.

THE JEFFERSONIAN.

S. Zafe Orlan
Publisher

\$75.00

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: _____ Account: R 001 6150
Number: _____

Cashier Validation

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: _____ Account: R 001 6150
Number: _____

Cashier Validation

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: _____ Account: R 001 6150
Number: _____

Cashier Validation

92-335-SPH

231064017002-480
\$175.00
Please Make Checks Payable To: Baltimore County

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: _____ Account: R 001 6150
Number: _____

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 3/11/92

James and Marie Dilworth
10921 Juniper Road
Kingville, Maryland 21087

RE:
CASE NUMBER: 92-335-SPH
SEC Gilbar and Juniper Roads
10921 Juniper Road
Petitioner(s): James and Marie Dilworth

Dear Petitioner(s):

Please be advised that \$165.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl Jablon
ARNOLD JABLON
DIRECTOR
cc: Michael P. Tanczyn, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

MARCH 11, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-335-SPH
SEC Gilbar and Juniper Roads
10921 Juniper Road
Petitioner(s): James and Marie Dilworth
HEARING: TUESDAY, APRIL 7, 1992 at 2:30 p.m.

Special Hearing to approve a non-conforming use of this property for its previous use as a service garage, contractors' equipment storage yard, commercial vehicle storage yard, storage, maintenance and repair of dump trucks and snow removal equipment or plows.

Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: James and Marie Dilworth
Michael P. Tanczyn, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

April 1, 1992

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204

RE: Item No. 348, Case No. 92-335-SPH
Petitioner: James Dilworth, et ux
Petition for Special Hearing

Dear Mr. Tanczyn:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

Date: April 7, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 17, 1992

ITEM NUMBER: 348

Access leading to the site should be 24 ft. wide.

RECEIVED
ZONING COMMISSIONER
Rahee J. Famili
Traffic Engineer II

RJF/dm

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

March 16, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #348, Zoning Advisory Committee Meeting of March 17, 1992, James Dilworth and Marie Dilworth, SEC Gilbar and Juniper Roads (#10921 Juniper Road), D-11, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) 5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

SSF:rmp

348.ZNG/GWRMP

ZONING OFFICE



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-1500

MARCH 17, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration and
Development Management

FROM: Robert W. Bowling, P.E.
Zoning Administration and Development Management

SUBJECT: James R. Dilworth Sr. - Item No. 348
Michael DiPaula - Item No. 356

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 335, 338, 339, 343, 347, 348, 349, 350, 352 and 353.

For Item 351, the site is subject to the previous minor subdivision comments.

For Item 355, the site must be submitted through the minor subdivision process for review and comments.

Very truly yours,
Robert W. Bowling, P.E., Chief
Developers Engineering Division

RECEIVED
MAR 17 1992

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 17, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 335, 338, 339, 343, 347, 348, 349, 350, 352 and 353.

For Item 351, the site is subject to the previous minor subdivision comments.

For Item 355, the site must be submitted through the minor subdivision process for review and comments.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s

RECEIVED
MAR 17 1992

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: March 31, 1992

FROM: Ervin McDaniel, Division Chief
Development Review Section
Office of Planning and Zoning

SUBJECT: James R. Dilworth Sr. - Item No. 348
Michael DiPaula - Item No. 356

The Office of Planning and Zoning has no comment on the above referenced Item Numbers.

EMCd:JM:bjs

348/356.ZAC/ZAC1

RECEIVED

ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

Date: April 7, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 17, 1992

ITEM NUMBER: 348

Access leading to the site should be 24 ft. wide.

Rahee J. Famili
Traffic Engineer II

RJF/dm

RECEIVED
ZONING OFFICE

APPEAL

Petition for Special Hearing
SE/Corner Juniper and Gilbar Road
(10921 Juniper Road)
11th Election District - 6th Councilmanic District
JAMES DILWORTH, ET UX - Petitioner
Case No. 92-335-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

- Petitioner's Exhibits:
1. Plat to accompany Petition
 2. & 3. Plats - Land to be conveyed by Dilworth
 4. Survey
 - 5., 6. & 7. Deeds - Dilworth
 8. Copy of Tax Map
 - 9A - 9F - Photographs of farm back to 1940
 - 10A & 10B - Dept. of Motor Vehicle Titles
 - 11 - Photographs of farm (Present)

Protestant's Exhibits: 1. - Photographs of Juniper Road

Zoning Commissioner's Order dated May 15, 1992 (Denied)

Notice of Appeal received June 11, 1992 from Michael P. Tanczyn, Attorney on behalf of the Petitioner

cc: -James & Maria Dilworth - 10921 Juniper Road, Kingsville, MD 21087
-Michael P. Tanczyn, 606 Baltimore Ave., Ste 106, Towson, MD 21204
-Susan Dilworth - 613 Anchor Drive, Joppa, MD 21085
-Dorothy Foos - Greater Kingsville Community Association
6403 Lewis Road, Baldwin, MD 21013
-Charlotte W. Pine, 607 Baltimore Avenue, Towson, MD 21204
-People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 2, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
NE/Corner Dwyer Avenue and Church Lane
(112 Church Lane)
3rd Election District, 2nd Councilmanic District
BEDFORD HOUSE, INC. - Petitioner
Case No. 92-288-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 30, 1992 by Michael S. Rosofsky, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:cer

cc: Morris Silberman - Bedford House, Inc.
3635 Old Court Road, Baltimore, Maryland 21208

Michael S. Rosofsky - Court Square Building
200 East Lexington Street, Lower Suite, Baltimore, MD 21202

Arlene Rosenberg, 218 Church Lane, Baltimore, Maryland 21208

Bernard F. Nossel, 205 Church Lane, Baltimore, Maryland 21208

Ruth Casper, 11 Gala Lane, Baltimore, Maryland 21208

People's Counsel, 400 Washington Avenue, Towson, MD 21204



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 19, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
SE/Corner Gilbar Road and Juniper Road
(10921 Juniper Road)
11th Election District, 6th Councilmanic District
JAMES DILWORTH, ET UX - Petitioner
Case No. 92-335-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 11, 1992 by Michael P. Tanczyn, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:cer

cc: James & Maria Dilworth - 10921 Juniper Road, Kingsville, MD 21087

Michael P. Tanczyn, 606 Baltimore Ave., Suite 106, Towson, MD 21204

Susan Dilworth - 613 Anchor Drive, Joppa, Maryland 21085

Dorothy Foos - Greater Kingsville Community Association
6403 Lewis Road, Baldwin, Maryland 21013

Charlotte W. Pine, 607 Baltimore Avenue, Towson, Maryland 21204

People's Counsel, 400 Washington Ave., Towson, MD 21204

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 18, 1993

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Towson, MD 21204

RE: Case No. 92-335-SPH
James Dilworth, et ux

Dear Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. & Mrs. James Dilworth
Ms. Susan Dilworth
Charlotte W. Pine, Esquire
Mr. & Mrs. Robert Vocelka
Ms. Dorothy Foos
Howard L. Alderman, Jr., Esquire
Ms. Susan T. Alderman
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /Zoning
Arnold Jablon, Director of
Zoning Administration

8/12/92 - Following parties notified of hearing set for November 12, 1992 at 10:00 a.m.:

Michael P. Tanczyn, Esquire
Mr. and Mrs. James Dilworth
Mr. and Mrs. Robert Vocelka
Ms. Dorothy Foos
Ms. Charlotte Pine
Howard L. Alderman, Jr., Esquire
Ms. Susan Dilworth
People's Counsel for Baltimore County
Public Services
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 9, 1992

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Preliminary Petition Review (Item #42)
Legal Owner: James & Marie Dilworth
10921 Juniper Road

Dear Mr. Tanczyn:

This correspondence is in reference to a petition filed at the request of the petitioner/attorney without the normal petition review. All revisions must be accompanied by a \$75.00 fee.

The following are unaddressed zoning issues or incomplete required information:

The use of the individual residential lot checklist for this petition is incorrect. This has resulted in the lack of necessary information. The non-residential properties checklist accompanying these comments should be used. Particular attention should be paid to Pages 6 and 7, concerning missing required information.

If you need further information or have any questions, please do not hesitate to contact John Lewis at 887-3391.

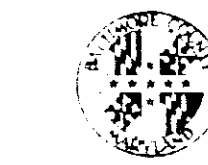
Very truly yours,

W. Carl Richards, Jr.
Zoning Coordinator

By: John L. Lewis
Planner II

JLL:scj

Enclosure



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
August 12, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-335-SPH

JAMES DILWORTH, ET UX
SE/cor Gilbar Road and Juniper
Road (10921 Juniper Road)
11th Election District;
6th Councilmanic District

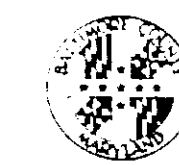
SPH-Approval of nonconforming use/
service garage, contractor's equip.
storage, commercial vehicle storage,
storage, maintenance, & repair of
dump trucks & snow plows

5/15/92 - Z.C.'s Order DENYING
Petition.

ASSIGNED FOR: THURSDAY, NOVEMBER 12, 1992 AT 10:00 a.m.

cc: Michael P. Tanczyn, Esquire-Counsel for Petitioners/Appellants
Mr. and Mrs. James Dilworth - Petitioners/Appellants
Mr. and Mrs. Robert Vocelka
Ms. Dorothy Foos
Ms. Charlotte Pine
Howard L. Alderman, Jr., Esquire - Counsel for Protestant
Ms. Susan Dilworth - Protestant
People's Counsel for Baltimore County
Public Services
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
August 12, 1992

AMENDED NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-335-SPH

JAMES DILWORTH, ET UX
SE/cor Gilbar Road and Juniper
Road (10921 Juniper Road)
11th Election District;
6th Councilmanic District

SPH-Approval of nonconforming use/
service garage, contractor's equip.
storage, commercial vehicle storage,
storage, maintenance, & repair of
dump trucks & snow plows

5/15/92 - Z.C.'s Order DENYING
Petition.

ASSIGNED FOR: THURSDAY, NOVEMBER 12, 1992 AT 10:00 a.m.

cc: Michael P. Tanczyn, Esquire-Counsel for Petitioners/Appellants
Mr. and Mrs. James Dilworth - Petitioners/Appellants
Ms. Susan Dilworth
Mr. and Mrs. Robert Vocelka
Ms. Dorothy Foos
Ms. Charlotte Pine
Howard L. Alderman, Jr., Esquire - Counsel for Protestant
Ms. Susan Alderman - Protestant
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
November 6, 1992

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-335-SPH

JAMES DILWORTH, ET UX
SE/cor Gilbar Road and Juniper
Road (10921 Juniper Road)
11th Election District;
6th Councilmanic District

SPH-Approval of nonconforming use/
service garage, contractor's equip.
storage, commercial vehicle storage,
storage, maintenance, & repair of
dump trucks & snow plows

5/15/92 - Z.C.'s Order DENYING
Petition.

which was scheduled for hearing on December 30, 1992 has been POSTPONED at the request of Counsel for Protestant and has been

REASSIGNED FOR: WEDNESDAY, JANUARY 27, 1993 AT 10:00 a.m.

cc: Michael P. Tanczyn, Esquire-Counsel for Petitioners/Appellants
Mr. and Mrs. James Dilworth - Petitioners/Appellants
Ms. Susan Dilworth
Mr. and Mrs. Robert Vocelka
Ms. Dorothy Foos
Ms. Charlotte Pine
Howard L. Alderman, Jr., Esquire - Counsel for Protestant
Ms. Susan Alderman - Protestant
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
October 13, 1992

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-335-SPH

JAMES DILWORTH, ET UX
SE/cor Gilbar Road and Juniper
Road (10921 Juniper Road)
11th Election District;
6th Councilmanic District

SPH-Approval of nonconforming use/
service garage, contractor's equip.
storage, commercial vehicle storage,
storage, maintenance, & repair of
dump trucks & snow plows

5/15/92 - Z.C.'s Order DENYING
Petition.

which was scheduled for hearing on November 12, 1992 has been POSTPONED at the request of Counsel for Petitioner and has been

REASSIGNED FOR: WEDNESDAY, DECEMBER 30, 1992 AT 10:00 a.m.

cc: Michael P. Tanczyn, Esquire-Counsel for Petitioners/Appellants
Mr. and Mrs. James Dilworth - Petitioners/Appellants
Ms. Susan Dilworth
Mr. and Mrs. Robert Vocelka
Ms. Dorothy Foos
Ms. Charlotte Pine
Howard L. Alderman, Jr., Esquire - Counsel for Protestant
Ms. Susan Alderman - Protestant
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul
Legal Secretary

CHARLOTTE W. PINE
ASSOCIATE

March 20, 1992

Honorable Lawrence E. Schmidt
Zoning Commissioner
400 Washington Avenue
Towson, MD 21204

RE: Dilworth Property
Case No. 92-335SPH

Dear Mr. Schmidt:

This is to advise that the Greater Kingsville Civic Association at the last meeting on March 18, 1992 voted to oppose the zoning application for the Dilworth Property, located on Juniper Road and Gilbar Road, Kingsville, Maryland (Case No. 92-335SPH).

The case is scheduled for a hearing on April 7, 1992.

The area is a very quiet residential area; properties are in a close vicinity to the Gunpowder Park. The road pattern is very narrow and hazardous for truck traffic. Only recently a very serious accident was barely averted due to the Dilworth truck traffic.

Service Garage, contractor's equipment, storage yard, commercial vehicle storage, maintenance, and repair of dump trucks are all activities not conducive to this quiet rural residential community.

Please turn down the zoning proposal.

Very truly yours,

Charlotte W. Pine

CWP/ck

cc: Honorable Roger B. Hayden
Councilman Vince Gardina
Ms. Dorothy Foos, Pres. Greater Kingsville Com. Assoc.
Mr. & Mrs. Robert Vocelka
Mr. & Mrs. Samuel G. Gangher

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
10TH FLOOR
BALTIMORE, MARYLAND 21201
410-538-3700
TELEPHONE 410-538-3700

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELEPHONE 410-296-2801

ELIAS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

July 7, 1992

William T. Hackett, Chairman
Baltimore County Board of Appeals
Room 49, Basement
Old Court House
400 Washington Avenue
Towson, MD 21204

RE: Entry of Appearance
In the Matter of Dilworth
Case No.: 92-335-SPH

Dear Chairman Hackett:

Please enter my appearance on behalf of Susan T. Alderman in opposition to the relief requested in the above-referenced action. I would appreciate being informed of any scheduled conferences, hearings, settlement conferences etc. For the record, I appeared in the proceedings before Zoning Commissioner Schmidt on behalf of Ms. Alderman.

Please call me should you desire any additional information in this regard.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

JUL 10 1992

October 27, 1992

William T. Hackett, Chairman
Baltimore County Board of Appeals
Room 49, Basement
Old Court House
400 Washington Avenue
Towson, MD 21204

RE: James Dilworth, et ux
Case No. 92-335-SPH
Request for Postponement

Dear Chairman Hackett:

As you are aware, I represent Susan Alderman, my wife, who is a protestant in the above-referenced action. The hearing on the merits has been rescheduled, at the request of counsel for the Petitioner Appellant, for Wednesday, December 30, 1992.

Pursuant to the rules of the Board, I am hereby requesting that an additional postponement of the hearing on this case be granted. I am pleased to advise that Susan and I expect the birth of our second child at anytime around December 27, 1992, but hopefully before the end of the year. As neither my wife nor I will be available for the hearing, this request is made at this time.

Thank you for your consideration of this request. Please let me know if you desire any further information.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA:ajr, gk

cc: Ms. Susan T. Alderman
Michael P. Tanczyn, Esquire
Peter Zimmerman, Deputy People's Counsel
Charlotte Pine, Esquire

82-11117-12 10026

10/27/92

April 2, 1993

Zoning Commissioner
111 West Chesapeake Road
Towson, MD 21204

Re: James Dilworth, et ux
Case Number 92-335-SPH

Dear Sir:

We are advised by the County Board of Appeals that the above file is being returned to the Zoning Director's Office.

The purpose of this letter is to advise that we wish to have all of our exhibits returned to us.

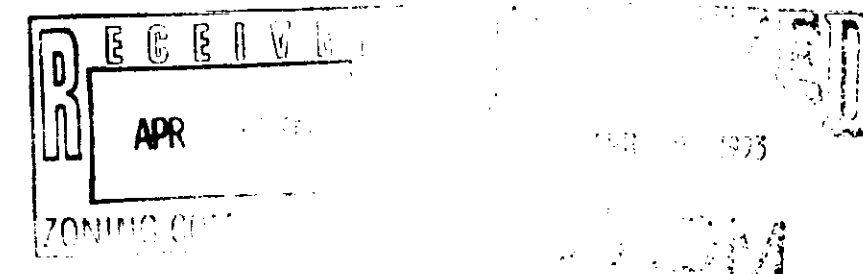
Please let us know when we may pick up those exhibits.

Very truly yours,

Michael P. Tanczyn

MPT/ed

cc: Mr. & Mrs. James Dilworth



Old photo returned 4/15/93

June 10, 1992

Honorable Lawrence E. Schmidt
Baltimore County Zoning Commissioner
Courthouse, Suite 113
400 Washington Avenue
Towson, MD 21204

Re: Petition for Special Hearing
SE/Corner Juniper and Gilbar Roads
(10921 Juniper Road)
11th Election District
6th Councilmanic District
James Dilworth, et ux - Petitioners
Case Number 92-335-SPH

Dear Mr. Schmidt:

On behalf of my clients, the Petitioners, please note an Appeal to the County Board of Appeals for Baltimore County in the above case from your Decision and Order of May 15, 1992.

I enclose my check for the costs for filing the Appeal.

If there is any further question or information required of me, please let me know.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosure

cc: Mr. & Mrs. James Dilworth



October 7, 1992

County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: James Dilworth, et ux
Case Number 92-335-SPH

Gentlemen:

In checking our schedule recently we first became aware that a case had been previously scheduled for trial in Circuit Court for Baltimore County, **Electro Mechanical Services vs Jaeger**, involving out of state witnesses from a large Virginia construction job to begin at 9:30 a.m. the same day as the above case and scheduled for two days.

I would therefore request that this case be postponed with a new date and time scheduled.

Thank you for your anticipated cooperation with this request.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosure

cc: Howard L. Alderman, Jr., Esq.
Charlotte Pine, Esq.
Phyllis Cole Friedman, Esq.
Mr. & Mrs. James Dilworth

82-11117-8-10026

10/7/92

Dear Mr. Hackett:

This is to notify you that we are strongly opposed to the non-conforming use of the Dilworth property on Juniper Road as a service garage and contractor's equipment storage.

This neighborhood is a rural residential area, and allowing such commercial activity would infringe on our right to enjoy our home and property for which they were intended and zoned.

Ux
- 10:00 am

1992, Zoning Commissioner Lawrence E. Schmidt denied the petition by Mr. Dilworth because he was unable to prove that the use of the property he is contemplating today existed before 1945 when the zoning laws came into effect. In our opinion it is an obnoxious use of the property, and we have the following concerns:

• This neighborhood is a residential area in close vicinity of the Gunpowder State Park. We bought our home to be in a rural community, away from commercial type clutter, pollution and noise. The establishment of such a facility would be an eyesore that would ruin the aesthetics of this neighborhood and infringe on our right to enjoy our home and property for which they were intended and zoned.

• Storing and servicing dump trucks would devalue our home as well as the other properties in this area. We know that a neighbor had trouble selling their home until the Dilworth property was cleaned up.

• Dump trucks and other commercial trucks entering the blind corners on Old Landing Road and Juniper Road create a dangerous traffic situation as well as put the safety of the children at risk who are walking to and from the school bus and waiting for the school bus at the corner of Mt. Vista and Old Landing Road. Not even the school bus enters because of the narrow entrance and roads.

• The single ingress and egress to the property in question and the other homes in the neighborhood is via Old Landing Road and Juniper Road which are not through roads. They are both very narrow with only a few places that allow a car to pull off to the side to let another car pass. A truck and car passing or even two trucks passing is totally impossible. To aggravate the situation, Juniper Road runs over a stream culvert that may not have enough road surface to withstand the continuous beating due to heavy trucks.

• A service garage will use oils, greases, solvents, acid from batteries, hydraulic fluids and paints resulting in waste and vapor emissions considered hazardous and toxic by the Environmental Protection Agency and the State of Maryland Department of Environment. The disposal of these wastes on the ground will contaminate our ground water - the only source of potable water in this area. Who will monitor the disposal of these wastes?

• We know from past experience that they run the diesel engines for hours on end creating not only air pollution but a health hazard as well. What about the noise associated with operating a service garage? Who will monitor the hours of operation and how many trucks they are allowed to store and service there?

In light of the above concerns, we respectfully request that you deny the appeal. Thank you.

Sincerely,

John W. Down
John W. Down

January 18, 1993

The Honorable William T. Hackett
Chairman
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Dear Mr. Hackett:

Re: Case No. 92-335-SPH James Dilworth, Et Ux
Appeals Hearing, Wednesday, January 27, 1993 - 10:00 am

This letter is to notify you that we are strongly opposed to the non-conforming use of the Dilworth property on Juniper Road as a service garage, contractor's equipment storage, commercial vehicle storage, storage, maintenance, and repair of dump trucks and snow plows. At the Zoning Hearing on April 7, 1992, Zoning Commissioner Lawrence E. Schmidt denied the petition by Mr. Dilworth because he was unable to prove that the use of the property he is contemplating today existed before 1945 when the zoning laws came into effect. In our opinion it is an obnoxious use of the property, and we have the following concerns:

• This neighborhood is a residential area in close vicinity of the Gunpowder State Park. We bought our home to be in a rural community, away from commercial type clutter, pollution and noise. The establishment of such a facility would be an eyesore that would ruin the aesthetics of this neighborhood and infringe on our right to enjoy our home and property for which they were intended and zoned.

• Storing and servicing dump trucks would devalue our home as well as the other properties in this area. We know that a neighbor had trouble selling their home until the Dilworth property was cleaned up.

• Dump trucks and other commercial trucks entering the blind corners on Old Landing Road and Juniper Road create a dangerous traffic situation as well as put the safety of the children at risk who are walking to and from the school bus and waiting for the school bus at the corner of Mt. Vista and Old Landing Road. Not even the school bus enters because of the narrow entrance and roads.

• The single ingress and egress to the property in question and the other homes in the neighborhood is via Old Landing Road and Juniper Road which are not through roads. They are both very narrow with only a few places that allow a car to pull off to the side to let another car pass. A truck and car passing or even two trucks passing is totally impossible. To aggravate the situation, Juniper Road runs over a stream culvert that may not have enough road surface to withstand the continuous beating due to heavy trucks.

• A service garage will use oils, greases, solvents, acid from batteries, hydraulic fluids and paints resulting in waste and vapor emissions considered hazardous and toxic by the Environmental Protection Agency and the State of Maryland Department of Environment. The disposal of these wastes on the ground will contaminate our ground water - the only source of potable water in this area. Who will monitor the disposal of these wastes?

• We know from past experience that they run the diesel engines for hours on end creating not only air pollution but a health hazard as well. What about the noise associated with operating a service garage? Who will monitor the hours of operation and how many trucks they are allowed to store and service there?

In light of the above concerns, we respectfully request that you deny the appeal. Thank you.

Sincerely,

Frances M. Snyder
Frances M. Snyder
410-511-1111
Kingville, MD 21087

January 18, 1993

The Honorable William T. Hackett
Chairman
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Dear Mr. Hackett:

Re: Case No. 92-335-SPH James Dilworth, Et Ux
Appeals Hearing, Wednesday, January 27, 1993 - 10:00 am

This letter is to notify you that we are strongly opposed to the non-conforming use of the Dilworth property on Juniper Road as a service garage, contractor's equipment storage, commercial vehicle storage, storage, maintenance, and repair of dump trucks and snow plows. At the Zoning Hearing on April 7, 1992, Zoning Commissioner Lawrence E. Schmidt denied the petition by Mr. Dilworth because he was unable to prove that the use of the property he is contemplating today existed before 1945 when the zoning laws came into effect. In our opinion it is an obnoxious use of the property, and we have the following concerns:

• This neighborhood is a residential area in close vicinity of the Gunpowder State Park. We bought our home to be in a rural community, away from commercial type clutter, pollution and noise. The establishment of such a facility would be an eyesore that would ruin the aesthetics of this neighborhood and infringe on our right to enjoy our home and property for which they were intended and zoned.

• Storing and servicing dump trucks would devalue our home as well as the other properties in this area. We know that a neighbor had trouble selling their home until the Dilworth property was cleaned up.

• Dump trucks and other commercial trucks entering the blind corners on Old Landing Road and Juniper Road create a dangerous traffic situation as well as put the safety of the children at risk who are walking to and from the school bus and waiting for the school bus at the corner of Mt. Vista and Old Landing Road. Not even the school bus enters because of the narrow entrance and roads.

• The single ingress and egress to the property in question and the other homes in the neighborhood is via Old Landing Road and Juniper Road which are not through roads. They are both very narrow with only a few places that allow a car to pull off to the side to let another car pass. A truck and car passing or even two trucks passing is totally impossible. To aggravate the situation, Juniper Road runs over a stream culvert that may not have enough road surface to withstand the continuous beating due to heavy trucks.

• A service garage will use oils, greases, solvents, acid from batteries, hydraulic fluids and paints resulting in waste and vapor emissions considered hazardous and toxic by the Environmental Protection Agency and the State of Maryland Department of Environment. The disposal of these wastes on the ground will contaminate our ground water - the only source of potable water in this area. Who will monitor the disposal of these wastes?

• We know from past experience that they run the diesel engines for hours on end creating not only air pollution but a health hazard as well. What about the noise associated with operating a service garage? Who will monitor the hours of operation and how many trucks they are allowed to store and service there?

In light of the above concerns, we respectfully request that you deny the appeal. Thank you.

Sincerely,

Margaret E. Schmitt

Dear Mr. Hackett:

This is to notify you that we are strongly opposed to the non-conforming use of the Dilworth property on Juniper Road as a service garage and contractor's equipment storage.

This neighborhood is a rural residential area, and allowing such commercial activity would infringe on our right to enjoy our home and property for which they were intended and zoned.

Dear Mr. Hackett:

This is to notify you that we are strongly opposed to the non-conforming use of the Dilworth property on Juniper Road as a service garage and contractor's equipment storage.

This neighborhood is a rural residential area, and allowing such commercial activity would infringe on our right to enjoy our home and property for which they were intended and zoned.

Frances M. Snyder
Frances M. Snyder
410-511-1111
Kingville, MD 21087

Dear Mr. Hackett:

This is to notify you that we are strongly opposed to the non-conforming use of the Dilworth property on Juniper Road as a service garage and contractor's equipment storage.

This neighborhood is a rural residential area, and allowing such commercial activity would infringe on our right to enjoy our home and property for which they were intended and zoned.

John W. Down

RECEIVED
[REDACTED]
ZONING COMMISSIONER

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County
400 Washington Ave., Room 113
Towson, MD 21204

RE: Special Zoning Hearing Case No. 92-335-SPH - April 7, 1992

- This neighborhood is a rural residential community (RC-5) adjacent to the Garwood State Park. We bought this property because of the location in a rural community, away from commercial type clutter, pollution and noise. The establishment of a dump truck maintenance and storage facility would be an eyesore that would ruin the aesthetics of this neighborhood and infringe on our right to enjoy our home and property for which they were intended and zoned.
- Storing and servicing dump trucks would devalue the properties in this area in general and specifically our home which is located directly across the street from the proposed facility location.
- Dump trucks and other commercial trucks entering the blind corners on Old Landing Road and Juniper Road create a dangerous traffic situation as well as jeopardize the safety of the children walking to and from the school bus and waiting for the school bus at the corner of Mt. Vista and Old Landing Road.
- The only ingress and egress to the property in question and the many homes in this neighborhood is via Old Landing Road and Juniper Road which are not through roads. These roads are very narrow with only a few places that allow a car to pull off to the side to let another car pass. To further compound this problem, Juniper Road runs over a stream culvert that is not built to withstand the continuous beating due to heavy trucks.

RECEIVED

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County
400 Washington Ave., Room 113
Towson, MD 21204

Re: Special Zoning Hearing Case No. 92-335-SPH-April 7, 1992

This is a very small neighborhood zoned as a residential area, and we do not need nor want any commercial activity here, especially not a a service garage, contractor's equipment storage yard, commercial vehicle storage, and maintenance and repair of dump trucks and snow removal equipment or plows.

After a hard days at work and especially on weekends we want to enjoy our home and garden and not be subjected to noise, revving of engines and diesel fumes that have in the past made it impossible for us to be outside on occasions. Who would monitor their working hours and the noise and pollution that such an operation would invariably cause? We all use well water and ground contamination is a serious threat.

March 30, 1992

Special Zoning Hearing Case No. 92-335-SPH-April 7, 1992

We have lived in our house since 1958 and have put up with some of the commercial activities on the Dilworth property off and on over the years. We are very happy that the property has been kept clean (thanks to the County's intervention, we believe) for several months now, and we certainly don't want to go back to any kind of legalized operation that would give them carte blanche to create an even bigger eyesore than it used to be.

Air pollution and resulting health hazard - Mr. Gingher suffers from emphysema, and in the past was confined to the house on numerous occasions when the diesel trucks were left running for hours, which made it impossible for him to breathe.

Noise – An inevitable result of operating such a facility. Will we have to put up with the noise all hours of the day and into the evening, on weekdays and weekends? Who will be monitoring the working hours?

Traffic Hazard – The entrance to the area on Mount Vista Road and Old Landing Road is very difficult to maneuver and has limited visibility. The school bus does not event enter and children wait there for the bus.

Juniper Road, the only road leading to the property in question and the other homes in this neighborhood, is very narrow and has many blind spots. Two cars can pass only if one of them moves off to the side. Truck traffic on this narrow road would be a real hazard as well as cause damage to lawns and driveways. It is our only way in and out of this neighborhood, and if any serious road damage should occur, the result to the neighborhood (and the financial cost involved for the County) would be disastrous. We believe that the stream crossing is especially vulnerable.

RECEIVED
APR 7 1957
ZONIAN

The Honorable William T. Hackett
Chairman
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Ave.
Towson, Md. 21204

It is the purpose of this letter to inform you of our opposition to the proposed non-conforming use of the Dilworth property on Juniper Road at Gilbar Road in Kingsville. Use of this property as a service garage, contractor's equipment storage yard, and commercial vehicle maintenance and repair facility poses significant threats to the safety and health of the neighborhood residents and serious potential risk of environmental mishap.

[illegible]

Well water is the only source of potable water available in this area. Contamination of the ground water by spills of oils, grease, and solvents commonly used in a service garage would prove catastrophic to all residents in the neighborhood. More widespread environmental contamination could result if runoff containing such toxic substances as paint, oil, and solvents were to contaminate local streams which empty directly into the Chesapeake Bay. Gunpowder River and eventually into the Chesapeake Bay. Furthermore, neither the air pollution produced by diesel engines,

Tell it over, over, over, on a young dress, but I put
some of my neighbors who were not used to it. Then
12-385, 521, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 258

RECEIVED
MAR 20 1991
ZONING COMMISSION

Subject: Special Zoning Hearing Case 92-335-SPH - April 7, 1992
Juniper Road/Gilbar Road

In November, 1989 my husband and I purchased a lot in the Glenbauer Development off Jerusalem Road. We built our house and moved in by June of 1990. Aside from our desire to live in the country, one of the main reasons we decided on the Glenbauer Development was their restriction to keep the neighborhood residential.

Therefore, it concerns us that Baltimore County would consider the proposed zoning changes in the Juniper and Gilbar Roads area of Kingsville which would allow ANY type of commercial venture to be established. This type of change would immediately devalue the surrounding properties and ultimately the entire Kingsville community

Please help us keep our neighborhood attractive by denying the proposed zoning change.

Thank you.

Deborah Walpole

April 2, 1992

Dear Doc
Reference Special Zoning Hearing Case
No 92-335 SPH April 7, 1992

we are opposed to the proposed non-confining
use of the Delaware property on James Road.
It is a tragic hazard to allow high trucks
to drive on a single lane road, we have to
pull to the side of the road at a slow rate
just to allow a car to pass it could certainly
create a dangerous situation and disrupt
the neighborhood.

Giovanni
 Giuseppe
 Maria
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